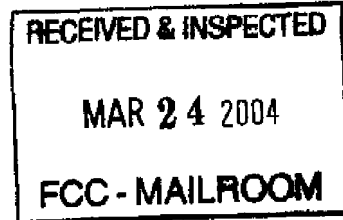




Mark Twain Union Elementary School District
"Fostering a secure and exciting learning environment..."

March 18, 2004

Richard C. Brewer, Ed.D.
Superintendent



Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

To Whom It May Concern.

RE CC Docket No 02-6

"REQUEST FOR WAIVER"

APPEAL of USAC/SLD Administrator's Decision on Appeal

Billed Entity Number. 144352

471 Application Number. 358862

Funding Request Number. 969250

Board of Education

Jennifer Eltringham

Gary McGeorge

Joey E Toney

Diane Bateman

Timothy Randall

We appeal this decision based on the following facts:

As indicated in our letter to the SLD dated March 26, 2003 (attachment 1), our Technology Plan was still "in its final stages of completion." Thus we were not able to "provide written verification for the SLD Certified Technology Plan Approver that your technology plan has been submitted" as requested by the SLD. The "Approver" had not yet received our completed Technology Plan. Upon our Technology Plan's approval by the SLD Certified Technology Plan Approver, we faxed the copy of the approval to the SLD on June 3, 2003 (attachment 2).

It is our understanding that the Technology Plan must be approved prior to the services being received. As this 471 was for funding beginning July 1, 2003, we met that deadline. See information below copied from the SLD web page, which outlines that, indeed, the Technology Plan needs to be in place **prior** to funding (not before) and **we met that requirement.**

P.O. Box 1359
Angels Camp, CA 95222
(209) 736-1855
FAX (209) 736-6888

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<http://www.sl.universalservice.org/reference/TechnologyPlanningFAQ.asp>

"Q7. Do I have to have my plan approved before I apply?"

No, the Technology Plan approval process does not have to be completed to file Forms 470 and 471. In the "Status of Technology Plans" boxes on those forms (Item 21 on FCC Form 470, and Item 27 on FCC Form 471) the applicant can indicate that the Technology Plan will be approved by an authorized body by the time that services are received. **To receive services, the school or library must file an FCC Form 486, and by the time of that filing or the start of services, whichever is earlier, the Technology plan must be approved.** The approving entity is required to provide the applicant with a Certification of Technology Plan Approval that is similar to Attachment A, and Form 486 will require certification that the approval has been obtained. The only schools or libraries that do not have to comply with the Technology Plan requirement are those requesting support for voice services only (i.e., telephone service)."

We strongly believe we met the requirements of the SLD and thus request the FCC's approval of our appeal. If you need further information from us, please let us know.

Sincerely,



Richard C. Brewer, Ed.D.,

Attachments: 2

FAXED

6-3-03



Mark Twain Union Elementary School District
"Fostering a secure and exciting learning environment..."

June 3, 2003

Richard C. Brewer, Ed.D.
Superintendent

Letter of Appeal
Schools & Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981
Fax #973-599-6542

Board of Education

Jennifer Eltringham
Gary McGeorge
Joey E. Toney
Diane Bateman
Timothy Randall

Dear Sir or Madam:

This letter is an appeal to the Funding Commitment Decision Letter Dated May 1, 2003
Applicant Name: Mark Twain Union Elementary School District
RE: Form 471 Application Number: 358862
Funding Year 2003: 07/01/03 - 06/30/2004
Billed Entity Number: 144352
Applicant's Form Identifier: MTWAIN2003

Funding Request Number: 969250 Service Provider Name: Pacific Bell
SPIN: 143002665
Funding Commitment Decision: \$0.00 - Technology Plan Required
Funding Commitment Decision Explanation: The FRN references services for which a Technology Plan is required
We are appealing this decision due to the recent letter dated May 29, 2003 in which our E-rate Technology Plan has been approved and certified by Calaveras County Office of Education. Please see enclosed copy.

Contact person: Cheryl Silva
P.O. Box 1359
Angels Camp, Ca 95222
209-736-1855, Fax 209-736-6888
Email: csilva@mtwain.k12.ca.us

In my absence please contact: Gina Reynolds
P.O. Box 1359
Angels Camp, Ca 95222
209-736-1855, Fax 209-736-6888
Email: greynolds@mtwain.k12.ca.us

Thank you for your consideration in this matter.

Sincerely,

Richard C. Brewer, Ed.D.,
Superintendent

P.O. Box 1359
Angels Camp, CA 95222
(209) 736-1855
FAX: (209) 736-6888



Mark Twain Union Elementary School District
"Fostering a secure and exciting learning environment..."

March 26, 2003

Richard C. Brewer, Ed.D.
Superintendent

Board of Education

Jennifer Eltringham
Joan G. Loomis
Joey E. Toney
Diane Bateman
Kathleen Russell

USAC
Schools & Libraries Division
Celia Zheng
Program Integrity Assurance
80 South Jefferson Road
Whippany, New Jersey 07981
Fax: 973-599-6516

Dear Celia:

Thank you for your fax and email dated March 25, 2003 regarding the Mark Twain Union Elementary School Districts Technology Plan.

Our technology plan is in its final stages of completion. The plan will most certainly have been submitted and approved prior to July 1, 2003. This will meet the requirement of approval for technology plans prior to receiving money from erate for any program other than basic local and long distance services. We will notify the School Libraries Division upon its certification.

If my staff or I can be of further assistance please don't hesitate to contact us.

Sincerely,

Richard C. Brewer, Ed.D.
Superintendent

P O. Box 1359
Angels Camp, CA 95222
(209) 736-1855
FAX: (209) 736-6888



CALAVERAS COUNTY OFFICE OF EDUCATION

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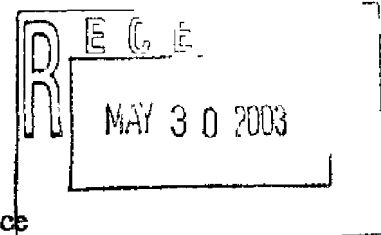
FAXED

6-3-03

"Educating Tomorrow's Stars Today!"

JOHN C. BROPHY
Superintendent of Schools

May 29, 2003



California Department of Education – Education Technology Office
1430 N Street, Suite 3705
Sacramento, CA 95814

Attn: E-rate Technology Plan Certification

To Whom It May Concern:

Enclosed are the signed certification form and checklist which shows the Calaveras County Office of Education has approved the E-rate technology plan for:

Mark Twain Union Elementary School District

As Mark Twain has applied for e-rate for Year 6 (2003-04), this approval is vital for funding of their requests. The updating of your web page with this approval information will assist the Mark Twain District in this E-rate process.

If you have any questions, please call me.

Sincerely,

Ruth Miller, Coordinator of Technology
(209) 736-6030
rmiller@ccoe.k12.ca.us

cc: Supt. Rick Brewer, MTUESD

Enclosures: Ca. E-Rate Tech. Plan Approval List
CDE E-rate Tech. Plan Checklist

FAKED

6-3-03

California Department of Education-Education Technology Office
E-rate Technology Plan Checklist

Date plan received: 5/27/03 Name of county/district: Mark Twain Union Elem. Sch. Dist

1. The plan must establish clear goals and a realistic strategy for using telecommunications and information technology to improve education or library services.

COMMENTS: Documented page 1,2

☐ Not Addressed

2. The plan must have a professional development strategy to ensure that staff know how to use these new technologies to improve education or library services.

COMMENTS: Page 6

☐ Not Addressed

3. The plan must include an assessment of the telecommunication services, hardware, software, and other services that will be needed to improve education or library services.

COMMENTS: Page 5

☐ Not Addressed

4. The plan must provide for a sufficient budget to acquire and maintain the hardware, software.

COMMENTS: Page 13

☐ Not Addressed

5. The plan must include an evaluation process that enables the school or library to monitor progress.

COMMENTS: Page 5, 15

☐ Not Addressed

6. The plan must extend at least through the E-rate Funding Year.

COMMENTS: Plan is for 3 years to 2006

☐ Not Addressed

7. The plan covers a period of 3 years.

COMMENTS: Plan covers 2003-06

☐ Not Addressed

☐ Plan is missing necessary components. Please see notes and submit revised plan by _____.

Signature of reviewer: Brian Miller

Date: 5/29/03

FAXED

Calaveras County Office of Education is delegated authority by the California State Superintendent of Public Instruction to approve E-rate technology plans for public school districts in the county in conformance with the Schools and Libraries Universal Service Program, known as "E-Rate." The list below serves as notice that the following public school districts' technology plans meet or exceed the requirements specified by the Schools and Libraries Division (SLD).

[illegible]

Review and certification made by:

____ Ruth Miller
Printer name

Shirley A. Miller
Signature

____ Coordinator of Technology ____
Printed title

5/29/03
Date